

Judge Burgess

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. )  
WALTER BOYD McILWAIN, )  
ALEJANDRO BARRAGAN, )  
RICHARD DENNIS MILLER, )  
CHARLES CLAY WINANS, )  
BRANDON LEE PENN, and )  
JOSE MENDOZA, )  
Defendants. )  
)  
NO. CR05-5504FDB  
ORDER GRANTING  
CONTINUANCE OF TRIAL  
AND RELATED DATES

THIS MATTER comes on before the Court on the motion to continue the trial date raised by counsel for defendant's Brandon Lee Penn, Walter Boyd McIlwain, Alejandro Barragan, Richard Dennis Miller, Charles Clay Winans and Jose Mendoza. The defendant's counsel having agreed to the continuance as well as counsel for the government, the court finds that:

1. The trial in this matter is scheduled for September 6, 2005, at 9:00 a.m. The pretrial cut off date was set at August 1, 2005, and the pretrial conference was scheduled for August 17, 2005.

2. Discovery was not received until August 1, 2005, there is a need for substantial investigation. Counsel will need time to prepare for trial and all counsel agree that to be adequately prepared, the trial date and the pre-trial motions date and conference dates should be extended.

1       3. The defendant's understand that to be adequately represented that a continuance is  
 2 necessary.

3       4. The government consents to the continuance.

4       5. The ends of justice outweigh the best interests of the public and the defendant to a  
 5 speedy trial. Failure to grant the continuance would deny counsel for Defendant's adequate time  
 6 to effectively prepare for trial.

7       NOW, THEREFORE,

8       IT IS HEREBY ORDERED that the trial date is continued from September 6,  
 9 2005 to December 5, 2005. The resulting period of delay from September 6, 2005, up to  
 10 and including the new trial date of December 5, 2005, is hereby excluded for speedy trial  
 11 purposes under 18 U.S.C. § 3161(h)(8)(A) and (B).

12       Pretrial motions are due no later than September 14, 2005.

13       DATED this 16<sup>th</sup> day of August, 2005.

16       \_\_\_\_\_  
 17       /s/ Franklin D Burgess  
 18       FRANKLIN D. BURGESS  
 19       United States District Judge

20       Presented by:

21       \_\_\_\_\_  
 22       s/ Gregory A. Gruber  
 23       GREGORY A. GRUBER  
 24       Assistant United States Attorney

25       \_\_\_\_\_  
 26       /s/ Roger A Hunko  
 27       Roger A Hunko  
 28       Attorney for Defendant

25       \_\_\_\_\_  
 26       /s/ Linda R Sullivan  
 27       Linda R Sullivan  
 28       Attorney for Defendant

1 /s/ Charles A Johnston  
2 Charles A Johnston  
3 Attorney for Defendant

4 /s/ Keith Alexander MacFie  
5 Keith Alexander MacFie  
6 Attorney for Defendant

7 /s/ Michael Edward Schwartz  
8 Michael Edward Schwartz  
9 Attorney for Defendant

10 /s/ Phil L Brennan  
11 Phil L Brennan  
12 Attorney for Defendant

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